*Moral theories judge actions – acts with specific ends in mind. That’s why morality judges human decisionmaking - even if a boulder fell off a cliff and killed people, we wouldn’t say it was morally wrong. However teleological standards don’t evaluate actions Korsgaard Christine M. Korsgaard. “Internalism and the Sources of Normativity” Interview 2002. <* [*http://www.people.fas.harvard.edu/~korsgaar/CPR.CMK.Interview.pdf*](http://www.people.fas.harvard.edu/~korsgaar/CPR.CMK.Interview.pdf)*>* ***Consequentialism****, as I see it****, is not actually a moral theory because it supposes that the value of “doings” just amounts to the productive value of acts****—* ***that all we have to care about is the effects of our acts. And that is refusing to assign value to actions as such.*** *So, if you think with Kant and Aristotle that what morality is all about is actions as a whole, then consequentialism doesn’t seem to be a moral theory****. Consequentialism is a kind of technological vision, something proposed as a replacement for morality. It is a social engineering project.***

*Next,* All moral theories axiomatically assume people have some moral value. Treating people as if they only exist for an external purpose undermines any moral theory. Quinn[[1]](#footnote-1) explains,

Whether we are speaking of ownership or more fundamental forms of possession, something is, morally speaking, his only if his say over what may be done to it (and thereby to him) can override the greater needs of others. A person is constituted by his [or her] body and mind. They are parts or aspects of him. For that very reason, **it is fitting that [people]** he **have primary say over what may be done to them**-not because such an arrangement best promotes overall human welfare, but because any arrangement that denied him that say would be a grave indignity. **In giving** him **this authority, morality recognizes his [or her] existence as an individual with ends of his [or her] own—an independent being. Since that is what he [or she] is,** he **[they] deserve**s **this recognition. Were morality** to withhold it, were it **to allow us to kill or injure him [or her] whenever that would be** collectively **best, it would picture him [or her] not as a being** inhis own right **but as a cell in the collective whole.** This last point can be illustrated not by thinking of bodies or minds but of lives. The moral sense in which your mind or body is yours seems to be the same as that in which your life is yours. And if your life is yours then there must be decisions concerning it that are yours to make-decisions protected by negative rights. One such matter is the choice of work or vocation. We think there is something morally amiss when people are forced to be farmers or flute players just because the balance of social needs tips in that direction. Barring great emergencies, we think people's lives must be theirs to lead. Not because that makes things go best in some independent sense but because the alternative seems to obliterate them as individuals. This obliteration, and not social inefficiency, is one of the things that strikes us as appalling in totalitarian social projects for example, in the Great Cultural Revolution. None of this, of course, denies the legitimate force of positive rights. They too are essential to the status we want as persons who matter, and they must be satisfied when it is morally possible to do so. But **negative rights,** for the reasons I have been giving, **define the terms of moral possibility. Their precedence is essential to the moral fact of our lives,** minds, and bodies **really being ours.**

One person cannot be sacrificed to promote the greater good of morality. It is nonsensical to say that one can harm a person based on purely moral motivations, because it would not be regarding that individual as morally important. Moreover, the intention to harm destroys the worth of individuals Warren Quinn[[2]](#footnote-2) writes,

**What seems specifically amiss** in relations of direct harmful agency **is the** particular **way** in which **victims enter into** an agent's **strategic thinking. An indirect agent may be certain that** his **pursuit** of a goal **will leave victims** in its wake. **But** this is **not because [of] their involvement** in what he does or does not do will be useful to his end. **The agent of direct harm, on the other hand, has something in mind for** his **[his or her] victims**-he proposes to involve them in some circumstance that will be useful to him **precisely because it involves them. [She or] He sees them as material to be** strategically **shaped** or framedby his agency. **Someone who harms by** direct **agency must** therefore take up a distinctive attitude toward his victims. He must **treat them as if they were then and there *for* his [or her] purposes.** But indirect harming is different. Those who simply stand unwillingly to be harmed by a strategy-those who will be incidentally rather than usefully affected-are not viewed strategically at all and therefore not treated as for the agent's purposes rather than their own. They may, it is true, be treated as beings whose harm or death does not much matter-at least not as much as the achievement of the agent's goals. And that presumption is morally questionable. But in a counterpart case of direct agency there is the *additional* presumption that the victim may be cast in some role that serves the agent's goal.

Also, violating others to defend one’s worth is futile: Otsuka[[3]](#footnote-3),

Kamm's own [the] justification of constraints focuses on facts about the status of the potential victims of rights violations rather than facts about the agent who would-violate the constraint. Her view is that **constraints are justified because they reflect our elevated moral status as persons who are inviolable insofar as it is impermissible to sacrifice any one of us in order to realize the greater good** of minimizing the violation of constraints**. Our moral status as inviolable beings is greater than it would have been if it were legitimate to sacrifice any one of us** for the sake of minimizing evil. Kamm emphasizes that [because] the impermissibility of violating one person's constraint for the sake of preventing more of the same type of constraint from being violated does not imply the permissibility of the constraint violations that one is not permitted to prevent. Hence, **even if we are, statistically speaking, more likely to be killed** as a means when there are constraints against minimizing constraint violations, **we are, morally speaking, less violable** insofar as there are fewer constraints that it is permissible to violate

Thus the criterion is rejecting intentional harm to other agents. Only intentional harms matter because they represent a choice to devalue agency rather than knowledge that someone might be harmed, a consequentialist impact. Moreover, if a harm is foreseen but not intended, then the victim themselves wasn’t being used to achieve an end, and thus they aren’t devalued to the same degree. Finally, presume that a) intentional harm is bad and that b) killing someone is bad absent reason to believe otherwise because it represents a proactive attempt to cause harm to a moral agent.

Contention one – Deliberate response modifies the clause deadly force, implying that what was deliberate was the deadly use of force itself. Deliberate is defined as “Done consciously and intentionally”[[4]](#footnote-4) so the victim intended that their abuser be harmed. *Next, exceptions to nonviolence for domestic violence will be arbitrary because domestic violence is often reciprocal- Laroche[[5]](#footnote-5):*

*When both partners had resorted to physical violence (47.4% of all cases of violence), 54.2% of women reported having been the first to use force, and 61.3% of men reported their spouse had been the first to use force, though the difference between men and women was not statistically significant (Morse, 1995: 265)****. Data from the 2001 National Longitudinal Study of Adolescent Health indicate[s] that*** *there was some violence in 24% of all relationships among a representative sample of 11,370 young US adults aged 18 to 28 years who reported on 18,761 heterosexual relationships in which they had been involved during the past 5 years. Close to half* ***(49.7%) of*** *the* ***violent relationships were reciprocally violent.*** *“In nonreciprocally violent relationships, women were the perpetrators in more than 70% of the cases.” (Whitaker, Haileyesus, Swahn, & Saltzman, 2007: 941). In other words, in at least 35% of violent relationships, violence was unilaterally perpetrated by women. Violence was unilaterally perpetrated by men in approximately 15% of violent relationships.*

*That means that when the affirmative gives victims the right to use deadly force, many of those people will be abusers themselves. Thus the aff is functionally an escalation of domestic abuse into the level of deadly force, turning the AC because they would be an even more severe violation of other peoples defensive rights. Also, this means the aff would include cases where someone is using deadly force as a tool of abuse, not of self-defense, so even if they win self-defense is good they still lose.*

**Extensions/takeouts:**

**(\_) Err neg** – extend that you presume that both killing and intentional harm are bad absent a reason to believe otherwise because it represents a clear and direct attempt to undermine moral status. If the framework or contention debate is at all unclear lean neg on substance and vote them down.

**Extensions to preclude self defense bullshit**

**(\_) Extend Otsuka summarizes Kamm** – violating someone else’s agency is self-defeating, because killing someone else means I regard people as not having an inviolable moral status. Thus, killing forces me to regard myself as less morally valuable. That takes out links from self-defense into the NC framework, because under my framework they can’t just say self-defense is an inherent right, they need to say why it protects moral status.

**(\_)** Their self-defense links represent a foreseen harm not an intended one. A result of not defending oneself is the harming of one’s agency, but the GOAL of nonviolence is not hurting one’s self. Extend that foreseen harms don’t matter because they aren’t a choice to devalue agency. Moreover, foreseen harms never violate the criterion because the victim is not being treated as the means to achieve some end, even if a bad impact might happen to them. So that excludes all self-defense based impacts in the round.

**(\_) extend** Laroche – violence is reciprocal in about half of cases – the aff would logically include authorizing abusers using deadly force as a tool of domestic violence, meaning they have at least some intentional harm that is not excused via self-defense. Also, the intent behind someone who is reciprocally abusive could include just harming the person for the sake of the abuse itself. That means even if they win self-defense respects agency or that the other framework violations are a wash, vote negative because that’s unmitigated offense compared to other borderline cases.

**AT – people have control over self so self defense**

(\_) Quinn 1 says people should have say in what is done to them. But the fact that someone is wrong in violating my agency is doesn’t imply I can do whatever I want to protect my agency. The affirmative has a missing link.

(\_) Quinn just says we have to regard people as independent beings. I can still regard myself as an independent being while not defending that independence - nothing about nonviolence commits me to saying I’m not valuable, while violence does imply that I believe other people are beings that can be used.

(\_) Control of the self is limited by violations of other people. All people have the same moral value, so I can’t legitimately be exercising my autonomy if I’m hurting someone else’s.

(\_) – look to the weighing I’m doing elsewhere on the flow to back this up.

**Weighing**

Don’t buy that their extensions of Self Defense turns back the Quinn analysis – intentional harm to others is always qualitatively worse.

(\_) Quinn 2 specifies the harm – directly harming someone is the worst possible harming of agency because in order to intentionally harm someone, I *necessarily* must regard them as something less than an independent agent. In comparison even if not defending one’s self is some kind of harm to agency, it’s still *possible* to regard myself as morally important– Ghandi still believed he was an agent.

(\_) Moral harms are based on how we regard people. By definition I always regard myself as having some level agency just by the very fact that I take actions. Intentional harm, however, regards that other person as having NO agency – Quinn 1 + 2 explain that the victim is being treated as a mere element in strategic thinking with no importance.

(\_) The negative has a stronger strength of link. Deadly force represents deliberate use of the worst possible moral harm against someone. In the aff world, there’s always some possibility that self-defense could succeed through other means or that the abuse would halt. Strength of link comes prior to substantive weighing because the size of the impact is determined by the size of the link.

(\_) Self-defense can’t be obligatory –the only constraint on our agency is violations of other people’s agency. Extend from under Quinn 1 that since we have control over our own agency, and thus can’t be obligated to continue its existence, self-defense could not be obligatory. In contrast, the negative arguments show that intending harm implies a proactive harm so the aff is at a disadvantage.

(\_) The aff cards don’t link into the NC conception of agency. Quinn’s conception of agency is about regarding all people as independent sovereigns. The aff impacts are about respecting some intrinsic right to life or defense, but a) there’s no analysis in the AR as to why that applies to the neg framework and b) those rights are only derivative off the fact that people have non derivative value as ends which is being directly violated via Quinn 2.

1. Quinn, Warren S. “Actions, Intentions, and Consequences: The Doctrine of Doing and Allowing.” *The Philosophical Review*, Vol. 98, No. 3, (Jul., 1989), pp. 287-312. JSTOR. [↑](#footnote-ref-1)
2. Warren Quinn. “Actions, Intentions and Consequences: the doctrine of double effect.” *Philosophy and Public Affairs*, Vol. 18, No. 4. (Autumn, 1989) <http://links.jstor.org/sici?sici=0048-3915%28198923%2918%3A4%3C334%3AAIACTD%3E2.0.CO%3B2-P> [↑](#footnote-ref-2)
3. “Review: Kamm on the Morality of Killing” The University of Chicago Press Reviewed work(s): *Morality, Mortality, Vol. 2, Rights, Duties, and Status.* by Frances M. Kamm *Ethics*, Vol. 108, No. 1 (Oct., 1997), pp. 197-207 http://www.jstor.org/stable/2382094 [↑](#footnote-ref-3)
4. **Concise Oxford English Dictionary. 2008.** [↑](#footnote-ref-4)
5. Laroche, Denis. “Context and Consequences of Domestic Violence Against Women in Canada in 2004.” *Institut de la statistique du Quebec*. [www.stat.gouv.qc.ca](http://www.stat.gouv.qc.ca). April 2008. [↑](#footnote-ref-5)